IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 28988 of 2007(A)

PETITIONERS:
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1. **N.M.KORENELIAS, AGED 48 YEARS,**
   S/O. MATHEW, 4/274, NJARAKKATTU HOUSE,
   THEVARAKADU, VARAPPUZHA P.O., NORTH PARAVUR.

2. **ETHEL VOLD GRACE, W/O. PETER CRISTY,**
   AGED 45 YEARS, 4/274, NJAREKKATTU HOUSE,
   THEVARKADU, VARAPPUZHA P.O., NORTH PARAVUR.

BY ADV. SRI.ABRAHAM JOHN.

RESPONDENTS:
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1. **CIRCLE INSPECTOR OF POLICE,**
   OFFICE OF THE CIRCLE INSPECTOR,
   KALAMASSERY, ERNAKULAM.

2. **SUB INSPECTOR OF POLICE,**
   KALAMASSERY POLICE STATION, KALAMASSERY,
   ERNAKULAM.

3. **M/S. KORA TRAVELS,**
   M.G.ROAD, NEAR SONY WORLD, ERNAKULAM,
   REPRESENTED BY SMT. SHUJA REHMAN.

BY ADV. SRI.P.SANJAY,
ADV. SMT.A.PARVATHI MENON,
GOVT. PLEADER SRI. SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.28988/2007-A:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE OPENING PAGE OF THE PASS BOOK DTD. 25/07/02.

EXT.P.2: COPY OF THE REGISTRATION CERTIICATE ISSUED BY THE COMMERCIAL TAX OFFICER FOR VAT REGISTRATION DTD. 11/06/07.

RESPONDENT'S EXHIBIT:

EXT.R3.A: COPY OF THE CHEQUE ISSUED BY THE P.2.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.28988 of 2007

Judgment

Balakrishnan Nair, J.

The first petitioner is the brother of the second petitioner. According to them, some amount is due from the husband of the second petitioner to the third respondent. For getting the money, the third respondent has filed some petition before the Police and thereafter, the Police is summoning them to the police station and harassing them.

2. The third respondent has filed a counter affidavit stating that the second petitioner and her husband have received about Rs.18 lakhs from him, agreeing to transfer a residential apartment in Ernakulam city to the said respondent. After receiving the said amount, now, they are trying to threaten the said respondent. So, pointing out the cheating and fraud played by them, the third respondent has moved the Police. Ext.R3(a) is a cheque issued by the second petitioner in favour of the third respondent, which bounced. The same would show that the second petitioner is also involved in the transaction with the third respondent. The learned Government Pleader upon instruction

submitted that on receipt of a petition from the third respondent alleging fraud and cheating against the second petitioner and her husband, she was summoned to the police station, but, instead of coming to the police station, she has filed this Writ Petition.

3. We heard the learned counsel on both sides. If any crime has been registered against any of the petitioners, the Police can proceed with the same in accordance with law or if the presence of them is required in connection with the investigation of any crime or petition, the Police may issue a notice under the relevant provisions of the Cr.P.C. In that event, the petitioners shall co-operate with the Police. The Writ Petition is disposed of recording the submissions of the Police that they only investigated into a petition filed by the third respondent and directed the second petitioner to appear before them and that they did not harass either the second petitioner or the first petitioner.

K.BALAKRISHNAN NAIR,JUDGE

15.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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